

103D CONGRESS
1ST SESSION

H. R. 2757

To amend the Immigration and Nationality Act regarding alien smuggling,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1993

Mr. KENNEDY (for himself, Mr. KING, Mr. LANTOS, Mr. PORTER, Ms. PELOSI, Mr. GILMAN, and Mr. DORNAN) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act regarding
alien smuggling, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INCREASED CRIMINAL PENALTIES FOR ALIEN**
4 **SMUGGLING.**

5 (a) CRIMINAL PENALTIES.—Section 274(a)(1) of the
6 Immigration and Nationality Act (8 U.S.C. 1324(a)(1))
7 is amended by inserting before the period “; or in the case
8 of an offense involving 10 or more aliens done for the pur-
9 pose of commercial advantage or private financial gain,
10 shall be fined in accordance with title 18, United States

1 Code, or imprisoned not more than 10 years, or both, for
2 each alien in respect to whom any violation of this para-
3 graph occurs”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to violations com-
6 mitted on or after the date of the enactment of this Act.

7 **SEC. 2. SEIZURE AND FORFEITURE OF PROPERTY USED**
8 **FOR ALIEN SMUGGLING.**

9 (a) IN GENERAL.—Section 274(b)(1) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1324(b)(1)) is
11 amended to read as follows:

12 “(1)(A) Except as provided in subparagraph (B), any
13 property (including any vessel, vehicle, aircraft, or other
14 asset) which has been or is being used in the commission
15 of a violation of subsection (a) and (i) constitutes, or is
16 derived from or traceable to, any proceeds obtained, di-
17 rectly or indirectly, as the result of a violation of sub-
18 section (a), or (ii) is used to facilitate, or is intended to
19 be so used in the commission of a violation of subsection
20 (a), shall be seized and subject to forfeiture.

21 “(B)(i) No property used by any person as a common
22 carrier in the transaction of business as a common carrier
23 shall be forfeited under this section unless the owner or
24 other person in charge of the property was a consenting
25 party or privy to a violation under this section.

1 “(ii) No property shall be forfeited under this sub-
2 section by reason of any act or omission established by
3 the owner to have been committed or omitted by a person
4 other than the owner while the property was unlawfully
5 in the possession of a person other than the owner in viola-
6 tion of the criminal laws of the United States, or of any
7 State.”.

8 (b) CONFORMING AMENDMENTS.—Section 274(b) of
9 such Act (8 U.S.C. 1324) is amended—

10 (1) in paragraph (2)—

11 (A) by striking “conveyance” and inserting
12 “property” each place it appears, and

13 (B) by striking “is being used in” and in-
14 serting “is being used in, is facilitating, has fa-
15 cilitated, is facilitating or was intended to facili-
16 tate”; and

17 (2) in paragraphs (4) and (5), by striking “a
18 conveyance”, “any conveyance”, and “conveyance”
19 and inserting “property” each place it appears.

20 **SEC. 3. REPORT CONCERNING ALIEN SMUGGLING.**

21 (a) PLAN.—The Attorney General, in consultation
22 with the Director of the Immigration and Naturalization
23 Service, shall develop a plan to coordinate efforts to com-
24 bat alien smuggling by organized crime syndicates. Such
25 plan shall include the following:

1 (1) Increased coordination by all appropriate
2 departments and agencies of the Federal Govern-
3 ment to combat alien smuggling.

4 (2) Procedures and guidelines for the coordina-
5 tion of enforcement efforts among Federal, State,
6 and local authorities in gathering information, inves-
7 tigations, and prosecution.

8 (3) A timetable for the creation of a com-
9 prehensive alien smuggling task force in adversely
10 affected areas.

11 (4) Establishment of a national data-base of in-
12 formation essential to combat alien smuggling.

13 (b) REPORT TO CONGRESS.—Not more than 90 days
14 after the date of the enactment of this Act, the Attorney
15 General shall submit a report outlining such plan to the
16 appropriate committees of the Congress.

17 **SEC. 4. APPLYING RACKETEERING INFLUENCED AND COR-**
18 **RUPT ORGANIZATIONS (RICO) PENALTIES TO**
19 **PEONAGE AND SLAVERY.**

20 Section 1961(1) of title 18, United States Code, is
21 amended by inserting “sections 1581–1588 (relating to
22 peonage and slavery),” after “section 1513 (relating to re-
23 taliating against a witness, victim, or informant),”.

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